

**From:** [Shaw, Jean](#)  
**To:** [Newman, Alan](#)  
**Subject:** RE: Approval of Importation of Waste (EVOA Notification NL603825)  
**Date:** Monday, January 11, 2016 11:32:00 AM

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Good Morning Alan,

The consent for this notification NL603825 was sent by fax to the competent authorities in The Netherlands on December 15, 2015.

Jean Shaw  
International Compliance Assurance Division  
Office of Federal Activities

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**From:** Newman, Alan  
**Sent:** Friday, January 08, 2016 11:26 AM  
**To:** Shaw, Jean <[Shaw.Jean@epa.gov](mailto:Shaw.Jean@epa.gov)>  
**Subject:** FW: Approval of Importation of Waste (EVOA Notification NL603825)

Jean,

Thanks for the help yesterday.

Regarding the message below; Is there a new request that they have submitted?

I didn't see anything on my end.

Alan Newman  
Kentucky and Tennessee State Coordinator  
Import/Export Contact for Region 4  
Hazardous Waste Enforcement and Compliance Section  
Environmental Protection Agency  
61 Forsyth Street  
Atlanta, Georgia 30303  
(404) 562 – 8589  
[newman.alan@epa.gov](mailto:newman.alan@epa.gov)

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**From:** JOHNSON, MICHAEL E [<mailto:MICHAEL.E.JOHNSON@chemours.com>]  
**Sent:** Tuesday, January 05, 2016 12:15 PM

**To:** Newman, Alan <[Newman.Alan@epa.gov](mailto:Newman.Alan@epa.gov)>

**Cc:** Shaw, Jean <[Shaw.Jean@epa.gov](mailto:Shaw.Jean@epa.gov)>

**Subject:** RE: Approval of Importation of Waste (EVOA Notification NL603825)

Hello Alan.

Our facility in The Netherlands is asking about the status of the approval of the subject EVOA Notification.

Would you please let me know when you think the importation approval might be forthcoming, or if there is any information we can provide you to help the process.

Thank you very much for your assistance,

Mike

Michael E. Johnson, PE  
Environmental Manager  
Chemours Company – Fayetteville Works  
(910) 678-1155



**The Chemours Company FC, LLC**  
22828 NC Highway 87 W  
Fayetteville, NC 28306-7332

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**From:** JOHNSON, MICHAEL E

**Sent:** Monday, December 14, 2015 9:00 AM

**To:** 'newman.alan@epa.gov' <[newman.alan@epa.gov](mailto:newman.alan@epa.gov)>

**Cc:** Movius, Richard D <[RICHARD-D-RICK.MOVIUS@chemours.com](mailto:RICHARD-D-RICK.MOVIUS@chemours.com)>; MAISCH, JOHN J <[john.j.maisch@chemours.com](mailto:john.j.maisch@chemours.com)>

**Subject:** Approval of Importation of Waste (EVOA Notification NL603825)

Alan:

As promised, attached is the March 2014 email to Stanley Tam that resolved the importation issue with the surfactant from The Netherlands.

As I mentioned to you, I believe the request you have in front of you is the third importation of the spent surfactant from The Netherlands to my Fayetteville, North Carolina facility.

One clarification for you: On July 1, 2015, the Fluoroproducts business segment of the

DuPont Company was separated into a new publicly traded company called The Chemours Company. Therefore you will see in the attached email that both the Fayetteville, NC and the Dordrecht, Netherlands facilities are referred to as being “DuPont” whereas now the documents will likely refer to them as “Chemours”.

Thank you for your assistance with this request, and do not hesitate to contact me if you have additional questions.

PS – I am working today (12-14) and tomorrow (12-15), and then will be on vacation until January 4, 2106. If you have any questions regarding the EVOA Notification (NL603825), you can contact Rick Movius at 910-678-1515 or John Maisch at 910-678-1597, or email them at their respective addresses (both are cc'd on this email).

Mike

Michael E. Johnson, PE  
Environmental Manager  
Chemours Company – Fayetteville Works  
(910) 678-1155



**The Chemours Company FC, LLC**  
22828 NC Highway 87 W  
Fayetteville, NC 28306-7332

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**From:** Johnson, Michael E  
**Sent:** Tuesday, March 11, 2014 10:40 AM  
**To:** [tam.stanley@epa.gov](mailto:tam.stanley@epa.gov)  
**Subject:** Notice of Objection (EPA Notice ID: 008812/11/14) of Foreign Notice ID: NL 603282

**VIA EMAIL**

March 11, 2014

Mr. Stanley Tam  
Regional Coordinator  
USEPA Region 4

SUBJECT: Notice of Objection (EPA Notice ID: 008812/11/14) of Foreign Notice ID: NL 603282

Dear Mr. Tam:

Thank you for discussing the subject Notice of Objection regarding the DuPont Company's intent to export spent FRD-902 (ammonium or potassium salt of perfluorinated ether carbonic acid) from the DuPont Dordrecht Netherlands facility to the DuPont Company – Fayetteville, North Carolina facility for reclamation.

As background, FRD-902 is a surfactant that is used as a processing aid in the production of fluoropolymers, and as such is not consumed in the process. The FRD-902 is separated from the finished product and recovered as a side stream from the process. As a result of its use, the recovered FRD-902 no longer meets the acceptable water content specification and there is also an undesired collection of organic salts from the process, which results in the surfactant no longer performing satisfactorily as a direct recycle stream back into the polymerization process.

The high value of the FRD-902 makes it economically imperative to reclaim this surfactant. There is also the environmental benefit from recycling a material versus the disposal of that material. The spent FRD-902 is to be reclaimed at the DuPont Company – Fayetteville, North Carolina facility where the unwanted salts are removed and the water content level is returned to within the finished product specification.

EPA has indicated that its objection to the requested importation of the spent FRD-902 for reclamation is that the DuPont Company – Fayetteville, North Carolina facility is not authorized to receive a hazardous waste or hazardous recyclable material from off-site.

The issue at hand is the pronounced differences in the definition of a hazardous waste under the European Union's Waste Management Act of 1996 and the definition of a hazardous waste under 40 CFR Part 261, as is described below.

The spent FRD-902 has been given the European Waste List code 070201\*. The "0702" category is for "wastes from the manufacture, formulation, supply and use of plastics, synthetic rubber and man-made fibers". The "070201" subcategory is for "aqueous washing liquids and mother liquors" and the "\*" means that subcategory is considered hazardous under the EU's Waste Management Act.

While the spent FRD-902 does meet the broad definition of a hazardous waste under the European Union's regulations, this material does not meet the definition of a hazardous waste under 40 CFR Part 261 as is demonstrated below.

Since the spent FRD-902 is a "spent material" that is being reclaimed, it meets the definition of a "solid waste" under 40 CFR 261.2(c)(3).

On 09-18-2013 a sample of the spent FRD-902 was submitted to a commercial laboratory for analysis of the RCRA hazardous characteristics. The results from this analysis are attached and are explained in the following:

- The spent FRD-902 had no observed flashpoint, therefore the material is not characteristically hazardous for ignitability.
- The pH of the spent FRD-902 was 3.3 SU, therefore the material is not characteristically hazardous for corrosivity.

- All forty of the toxicity characteristic contaminants were less than their maximum concentrations as listed in Table 1 of 40 CFR 261.24(b). Therefore the material is not characteristically hazardous for toxicity.

Since the spent FRD-902 is a water based product, it cannot undergo any reactions with water. The surfactant is stable; it contains neither cyanides nor sulfides; and it is not capable of detonation or explosive reaction. Therefore the material is not characteristically hazardous for reactivity.

The spent FRD-902 is not one of the “F” listed hazardous wastes from non-specific sources per 40 CFR 261.31(a).

The spent FRD-902 is not one of the “K” listed hazardous wastes specific sources per 40 CFR 261.32(a).

The spent FRD-902 is not one of the “P” or “U” listed commercial chemical products or manufacturing chemical intermediates per 40 CFR 261.33(e) and 33(f) respectively.

In conclusion, since the spent FRD-902 is neither a characteristic hazardous waste nor a listed hazardous waste, it is therefore classified as a non-hazardous waste. The DuPont Company – Fayetteville, North Carolina facility is not prohibited from receiving a non-hazardous waste or non-hazardous recyclable material from off-site.

Therefore, DuPont respectfully requests that EPA rescind the subject Notice of Objection as quickly as possible so that the needed import permits can be issued and the reclamation of the spent FRD-902 can begin.

If you have any questions regarding this matter, please let me know.

Sincerely,

Michael E. Johnson  
Environmental Manager  
DuPont Company – Fayetteville Works  
(910) 678-1155

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